

# In The United States Court of Federal Claims

No. 07-359C

(Filed: December 9, 2008)

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SERAPHIM TRANSPORT COMPANY,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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## ORDER

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On September 5, 2008, defendant filed a motion to stay proceedings. The court has reviewed the motion, plaintiff's response, and defendant's *en camera* declaration on the current status of the criminal investigation associated with this case. Accordingly:

1. Defendant's motion to stay is **GRANTED** and proceedings in this case are hereby **STAYED**;
2. Defendant shall file a status report regarding the criminal investigation (sealed or *en camera*, as necessary) on or before February 3, 2009, with a subsequent report to follow every 56 days thereafter for the duration of the stay; and
3. Both parties are reminded of their duty to preserve evidence relevant to this case, and the consequences of failing to do so. *See United Medical Supply Co., Inc. v. United States*, 77 Fed. Cl. 257, 263-77 (2007).

**IT IS SO ORDERED.**

s/ Francis M. Allegra

Francis M. Allegra

Judge